

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

MCDavid O. OYEKWE,

Plaintiff,

v.

FEDERAL EXPRESS CORPORATION,

Defendant.

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Civil Action No. **3:21-CV-1075-L-BT**

ORDER

On December 17, 2021, the Findings, Conclusions and Recommendation of the United States Magistrate Judge (“Report”) (Doc. 37) was entered, recommending that pro se Plaintiff’s various motions for contempt, sanctions, and default judgment (Docs. 23, 25, 27, 29, 33) be denied.

No objections to the Report were filed by the January 3, 2022 objection deadline, which accounts for the January 1, 2022 holiday and weekend. Plaintiff, instead, filed a 55-page document titled “Brief & Initial Disclosures in Support of Default Judgement [sic]” (Doc. 40) on January 4, 2022, one day after the objection deadline. In this document, Plaintiff does not expressly take issue with the Report, but he “moves the court to GRANT A DEFAULT JUDGEMENT [sic] in civil contempt” on the ground that Defendant’s counsel has allegedly been untruthful in providing discovery in an effort to mislead him and the court. Even if the court construed this document as objections to the Report, it is untimely and filed without first seeking and obtaining leave of court. Moreover, the unsupported allegations in this document fail to address the magistrate judge’s reasons for recommending that his other motions, in which he seeks similar relief on the same ground, be denied. The court, therefore, **overrules** the objection as untimely and without merit.

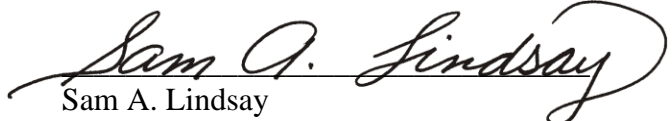
Having considered Plaintiff's motions, the file, record in this case, and Report, and having conducted a de novo review of that portion of the Report to which objection made (or in this case, not made), the court determines that the findings and conclusions of the magistrate judge are correct, and **accepts** them as those of the court. Accordingly, Plaintiff's various motions for contempt, sanctions, and default judgment (Docs. 23, 25, 27, 29, 33) are **denied**. To the extent some of these motions by Plaintiff also include responses to defense motions or requests by him to compel discovery, the court does not comment on these matters at this time and leaves them for the magistrate judge to decide or issue findings and recommendations, as appropriate, in accordance with the Standing Order of Reference.

The court also **denies** Plaintiff's "Motion to Compel of Contempt & For Default Judgement [sic]" (Doc. 35) that was filed shortly before the Report was docketed. Plaintiff's requests for contempt and default judgment suffer from the same deficiencies as his prior motions that are detailed in the Report. Additionally, Plaintiff's request to "compel the full disclosure of Exhibit 1," which he contends "defendant continues to hide," is not briefed as required by this district's Local Civil Rules ("Local Rules"). *See* L.R. 7.1. Because this motion includes a request by Plaintiff to compel discovery, he was also required, but failed to comply with Local Rule 7.1's requirements pertaining to certificates of conference. *See id.*

While Plaintiff is proceeding pro se, this does not relieve him from complying with the Local Rules, the Federal Rules of Civil Procedure, or the orders entered in this case. The court warns Plaintiff that his continued failure to comply with applicable rules or his failure to comply with court orders will result in dismissal without prejudice of this action pursuant to Federal Rule of Civil Procedure 41(b). If the court determines that Plaintiff's noncompliance was deliberate or intentional and qualifies as contumacious conduct, this action and all claims asserted by him will

be dismissed with prejudice. Further, the court orders Plaintiff to not file any further frivolous and unsupported motions for default judgment, sanctions, or civil contempt, as doing so will only unnecessarily delay the resolution of this litigation and waste scarce judicial resources.

It is so ordered this 6th day of January, 2022.


Sam A. Lindsay
United States District Judge